

**MINUTES OF THE COTTONWOOD HEIGHTS CITY
PLANNING COMMISSION MEETING**

**Wednesday, June 19, 2013
6:00 p.m.
Cottonwood Heights City Council Room
1265 East Fort Union Boulevard, Suite 300
Cottonwood Heights, Utah**

ATTENDANCE

Planning Commission Members:

Perry Bolyard, Chair
Paxton Guymon
Janet Janke
Jeremy D. Lapin, P.E.
Gordon Walker
Joseph M. Demma
Dennis Peters – excused
Lindsay Holt-Tofte – excused
James Jones - excused

City Staff:

Larry Gardner, Planner
Mike Johnson, Planning Technician
Brian Berndt, Community Economic Dev. Director
Shane Topham, City Attorney

1.0 WELCOME/ACKNOWLEDGEMENTS

Chair Perry Bolyard called the meeting to order at 6:05 p.m.

2.0 CITIZEN COMMENTS

Claire Geddes expressed her gratitude to the City for Mountain View Park.

There were no further citizen comments.

3.0 PUBLIC HEARINGS

3.1 (Project #ZMA 3-002) Public comment on a request from Susan Despain to change the zoning and amend the zoning map from R-1-15 single-family zoning to R-1-8 single-family zoning on properties located at 9200 South Wasatch Boulevard, Cottonwood Heights, Utah, Parcels #28-01-351-006, 28-01-430-006 and 28-02-476-001

Community Economic and Development Director Brian Berndt described the proposed zone change amendment. He reported that the General Plan shows the property as residential low density and the current zoning is R-1-15. Staff reviewed the request and recommends approval to the Commission.

The applicant, Susan Despain, stated that she applied for the zone change on the three parcels located at 9200 South Wasatch Boulevard from R-1-15 to R-1-8. She detailed the surrounding properties and reported that there would be no negative impact on the school district. In addition,

the utilities are available and accessible and a traffic study has been completed. Chair Bolyard opened the public hearing.

Gary McGee identified himself as the property owner adjacent to the Despain property. He asked that the Commission respect his property and maintain a lower density in the surrounding properties.

Jill McGee, wife of Gary McGee, reported that their property has three sides that abut the Despain property. Mrs. McGee stated they have maintained a good relationship with the applicant and they have been in talks with individuals interested in developing their property.

Roger Thomas shared his concerns regarding an increase in density.

Mary Urkelins asked to see a site plan and stated that she is concerned with a potential increase in neighborhood traffic.

Mark Frederick agreed with Ms. Urkelins' comment regarding traffic and thru streets. He is not opposed to the new zoning, but is opposed to the thoroughfare.

Jordan Schweizer commented that their quality of life will be negatively impacted should there be any thru streets and agrees with Mr. Frederick's concerns.

Tim Lapoint stated that he is not opposed to the zone change, but is concerned with an increase in traffic flow and the safety of the neighborhood.

Craig Kirk recommended that a park constructed between his neighborhood and the proposed subdivision be used as a buffer.

Commissioner Walker asked if the Round Rock Property is included in the proposed zone change.

Mr. Berndt confirmed that the Round Rock Property is not part of the proposed zone change.

There were no further comments. The public hearing was closed.

3.2 (Project #ZMA 13-003 Public comment on a request from Jae Park to change the zoning and amend the zoning map from R-1-8 single family zoning to RO Residential Office zoning on properties located at 1979 LaCresta Drive and 6746 South Highland Drive, Cottonwood Heights, Utah, parcel #22-21-432-034 and 22-21-432-016

Planner Larry Gardner presented the zone change amendment and detailed the proposed project. Staff recommended approval to the Commission based on the fact that the zone change request conforms to the adopted City land use map. The required public hearing has been held. Mr. Gardner also confirmed that a traffic study has been completed by City Engineer, Brad Gilson as part of the general plan amendment a few years ago, but not for this specific zone change application.

The applicant, Jae Park, gave details regarding his request.

Chair Bolyard opened the public hearing.

Glen Harrison believes the proposed project looks like a commercial office rather than a residential office. He also expressed traffic concerns.

Mike Evans referred to Mr. Harrison's comments regarding neighborhood traffic. Mr. Evans discussed sound walls and their benefits.

George Beverly stated that the proposed property abuts his property. He is agreeable to the zone change, but expressed concern about the traffic flow.

Dr. Roger Pohpal commented that his practice serves the Medicare and private pay patient population. He believes the proposed change would serve the neighborhood. It is his opinion that traffic flow would not be a concern for surrounding residents.

Sherry Peckinal shared concerns about the traffic on LaCresta. She urged the Commission to view the traffic flow through the neighborhood and stated that she is against the proposed project.

Mark Craig stated that he has lived in this area for over 30 years. He wants to see some development, but is concerned about traffic.

Eric Montague was present as the only person on LaCresta who currently owns a business. His business consists of 25 students, which equates to 25 cars twice a day for 20 minutes at a time. It is Mr. Montague's opinion that constructing sidewalks will do nothing to improve the traffic problem. He also believes the traffic issue is due to the light being timed incorrectly.

There were no further comments. The public hearing was closed.

3.3 (Project #GPA 13-002) Public comment on a request from John McGee to amend the General Plan Land Use Map from Residential Low Density (2.5 to 5 dwelling units per acre) to Residential Medium Density (6 to 10 dwelling units per acre) on 1.75 acres of property located at 7941 South Wasatch Blvd., Cottonwood Heights, Utah. The intent with this request is to amend the Honeywood Hills P.U.D. and build dwellings similar to those that exist in that development. The hearing at this time is only to consider amending the general plan land use map. All other matters related to this proposed development, including zone changes, subdivision and site plan approvals, will be heard at future public meetings

Mr. Gardner presented the proposed General Plan Amendment as stated in the staff report. Access to the property is an issue as well as it being on an extremely steep hillside. It was reported that a fault line runs through the property. Staff recommended approval of the land use map change.

The applicant, John McGee, explained that the request is for a revitalization of Honeywood Cove. He enumerated the restraints as previously discussed. As the property stands currently, UDOT will not allow access to the property in any form other than to come off of a light. He detailed the process necessary to make the property accessible and buildable.

Chair Bolyard opened the public hearing.

Clair Geddes emphasized that she is completely opposed to the proposed project. She stated that she believes this change to the General Plan will allow others to do the same. Ms. Geddes reported that the property is currently for sale and she is opposed to it even being considered.

John Kammerer reported that he owns a lot on Top of the World Drive. He shared concerns regarding the slope of the lot in question.

Carl York identified himself as the current President of the Honeywood Cove HOA. Improvements to the development were detailed. Mr. York reported that there are overwhelming supporters of the proposed improvements.

Doug Brandau stated that he is not opposed to the change, but questioned why the General Plan Map must be changed in order to accommodate the project.

Kelli Kammerer, mother of John Kammerer, originally purchased the lot on Top of the World Drive. She questioned the FCOZ rules of Cottonwood Heights and stated that slopes are equal to or greater than 30%.

Mr. Gardner confirmed that the City does not allow building on slopes of 30% and greater.

There were no further comments. The public hearing was closed.

3.4 (Project #SD 13-002) Public comment on a request from Joe Salisbury to subdivide Lot 7 of the Little Willow Subdivision and to amend the Little Willow Subdivision Plat located at 8562 South Little Willow Circle, Cottonwood Heights, Utah

Mr. Gardner presented the staff report and detailed the project as stated in the staff report.

The Fire Marshall confirmed that a hydrant will be required or the homes will be equipped with fire suppression sprinklers. Staff recommended approval subject to the findings contained in the staff report.

Commissioner Walker observed that there is currently an ordinance on flag lots not allowing more than one driveway, yet this creates a situation with two.

Mr. Gardner replied that the ordinance does not allow a flag lot next to another flag lot, therefore, this project does not violate the ordinance.

The applicant, Joe Salisbury, reported that he has been working with staff. Both staff and the Fire Chief approved the request. He stated that the project is in harmony with the General Plan and all of the required items have been submitted. Mr. Salisbury detailed the property and confirmed that he intends to build homes on both lots.

Commissioner Lapin asked which lot owner would be responsible for maintenance of the access road.

Mr. Salisbury confirmed that the owner of Lot 1 will be responsible for the maintenance of both properties.

Chair Bolyard opened the public hearing.

Kim Frank shared his concerns regarding the proposed property. The property value and the process of splitting the lot were discussed.

Jay Foster expressed concern about drainage, how the sewer will be accessed, sizes of the proposed homes, the use of both homes, and the timing of construction. Mr. Foster is interested in the definition of “good cause”.

Scott Sargent stated that there is an issue with the parking on the easement, which continues to be a public nuisance.

Craig Kirk commented on the steep slope of the property and issues regarding drainage.

Mr. Salisbury reported that the two-lot proposal meets all ordinance and slope requirements. Parking concerns were discussed. He stated that homes will be built that are consistent with the price and size of neighboring homes. Drainage issues and sewer questions were addressed. He confirmed that the residences will be single-family, owner occupied homes. Construction will begin upon approval.

Jim Williams questioned the flag lot.

There were no further comments. The public hearing was closed.

3.5 (Project #CU 13-007) Public comment on a request from Moshen Panah and Tony Casela for conditional use approval to operate a restaurant in the Neighborhood Commercial (NC) zone located at 2578 Bengal Blvd. Cottonwood Heights, UT. The restaurant will be located in an existing building, which will be remodeled. No additional buildings will be constructed at this time

Planning Technician, Mike Johnson, presented the staff report and reported that the applicant is planning to use the property as-is, with the exception of a proposed landscape design.

The applicant, Moshen Panah, discussed the proposed restaurant.

Chair Bolyard opened the public hearing. There were no comments. The public hearing was closed.

The Commission took a short break.

4.0 ACTION ITEMS

4.1 (Project #SD 13-002) Action on a request from Joe Salisbury to subdivide Lot 7 of the Little Willow Subdivision and to amend the Little Willow Subdivision Plat. The subdivision is located at 8562 South Little Willow Circle, Cottonwood Heights, Utah

Chair Bolyard described the request.

Mr. Gardner confirmed that a second sewer lateral will be installed and that the driveway of the proposed project will have a slight slope.

Commissioner Lapin is of the opinion that the applicant should not be responsible for existing parking issues.

Commissioner Walker indicated that his concern is with the slope on the property. The intent is to re-subdivide. He expressed his reluctance regarding the project.

Commissioner Paxton discussed two new homes with impervious surfaces and the handling of property drainage.

It was confirmed that there is a requirement addressing layout in order to approve a subdivision.

Mr. Gardner stated that there is an ordinance that specifies that 45 days may be given prior to taking action. He sees no problem with continuing the item.

Motion: Commissioner Paxton moved to continue action to the next Planning Commission meeting. The motion was seconded by Commissioner Janke and passed unanimously on a roll call vote.

4.2 (Project #CU 13-007) Action on a request from Moshen Panah and Tony Casela for conditional use approval to operate a restaurant in the Neighborhood Commercial (NC) zone located at 2578 Bengal Blvd. Cottonwood Heights, UT. The restaurant will be located in an existing building, which will be remodeled. No additional buildings will be constructed at this time

Motion: Commissioner Paxton moved to approve the conditional use subject to the following:

Conditions:

- 1. That the applicant continuously adhere to all applicable laws, ordinances and regulations pertaining to this use;***
- 2. That the applicant obtain a building permit for required improvements and meet any requirements as determined by the Cottonwood Heights Building Official;***
- 3. That a landscape plan be submitted, indicating the location, spacing, types and sizes of landscaping elements, existing, and showing compliance with the city's off-street parking requirements, the city's design guidelines and policies, and the requirements of the appropriate zoning district.***
- 4. Including all items of the staff report.***

Commissioner Janke seconded the motion. Vote on motion: Janet Janke-Aye, JeremyLapin-Aye, Paxton Guymon-Aye, Gordon Walker-Aye, Joseph Demma-Aye, Chair Perry Bolyard-Aye. The motion passed unanimously.

- 4.3 (Project #GPA 13-002) Action on a request from John McGee to amend the General Plan Land Use Map from Residential Low Density (2.5 to 5 dwelling units per acre) to Residential Medium Density (6 to 10 dwelling units per acre) on 1.75 acres of property located at 7941 South Wasatch Blvd., Cottonwood Heights, Utah. The intent with this request is to amend the Honeywood Hills P.U.D. and build dwellings similar to those that exist in that development. The hearing at this time is only to consider amending the general plan land use map. All other matters related to this proposed development, including zone changes, subdivision and site plan approvals, will be heard at future public meetings**

Commissioner Walker questioned the impact of the slope and shared his concerns. He requested to view a preliminary site plan.

Commissioner Lapin stated that Commissioner Walker's points were valid and believes they will all be adequately addressed in subsequent stages. He sees no harm in recommending approval to the City Council to amend the General Plan.

Motion: Commissioner Lapin moved to recommend approval to the City Council to amend the General Plan Land Use Map from Low Density Residential to Medium Density Residential subject to the following:

Findings:

- 1. The General Plan amendment supports and is not in conflict with:***
 - a. Economic sustainability;***
 - b. Efficient use of land, natural resources and public infrastructure;***
 - c. Provision of community amenities and benefits;***
 - d. Protection of environmentally sensitive lands, view sheds and open space;***
 - e. Alternative modes of transportation;***
 - f. Safe neighborhoods and protects residential quality of life;***
 - g. Minimal conflicts between adjacent land uses;***
 - h. Consideration of present and future housing needs for a full range of social and economic circumstances of residents;***
 - i. Recognizes and respects the rights of individual property owners.***

2. *The required public hearing has been held.*

Commissioner Guymon seconded the motion. Vote on motion: Janet Janke-Aye, Commissioner Lapin-Aye, Paxton Guymon-Aye, Gordon Walker-Nay, Joseph Demma-Aye, Chair Perry Bolyard-Aye. The motion passed 5-to-1.

3.1 Approval of April 17, 2013 and May 1, 2013 Minutes

Motion: Commissioner Walker moved to approve the April 17, 2013, minutes. The motions was seconded by Commissioner Guymon and passed unanimously on a voice vote.

Motion: Commissioner Walker moved to approve the May 1, 2013 minutes. The motion was seconded by Commissioner Lapin and passed unanimously on a voice vote.

4.0 ADJOURNMENT

Motion: Commissioner Walker moved to adjourn. The motions was seconded by Commissioner Janke and passed unanimously on a voice vote. The Planning Commission meeting adjourned at 8:11 p.m.

Minutes approved: